



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB1774

Introduced 2/25/2005, by Sen. Dave Sullivan

SYNOPSIS AS INTRODUCED:

210 ILCS 45/3-304.1
320 ILCS 42/25

Amends the Nursing Home Care Act and the Older Adult Services Act. Adds information that the Department of Public Health must make available on a public web site, including: links to available services, resources, and reference materials concerning caregiving, diseases, and best practices for use by professionals, older adults, and family caregivers; a listing of and contact information for both facility-based and non-facility-based services and care; a listing of federal, State, and regional agencies on aging, and information describing their purposes, abilities, and services; and the Illinois Act on the Aging and the federal Older Americans Act. Provides that the Department on Aging must have a visible link on its web site home page to that information required to be made available on a public web site by the Department of Public Health. Effective immediately.

LRB094 08685 DRJ 41305 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning aging.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Nursing Home Care Act is amended by changing
5 Section 3-304.1 as follows:

6 (210 ILCS 45/3-304.1)

7 Sec. 3-304.1. Public computer access to information.

8 (a) The Department must make information regarding nursing
9 homes and home and community-based services in the State
10 available to the public in electronic form on the World Wide
11 Web, including all of the following information:

12 (1) who regulates nursing homes;

13 (2) information in the possession of the Department
14 that is listed in Sections 3-210 and 3-304;

15 (3) deficiencies and plans of correction;

16 (4) enforcement remedies;

17 (5) penalty letters;

18 (6) designation of penalty monies;

19 (7) the U.S. Department of Health and Human Services'
20 Health Care Financing Administration special projects or
21 federally required inspections;

22 (8) advisory standards;

23 (9) deficiency-free surveys; ~~and~~

24 (10) enforcement actions and enforcement summaries;~~;~~

25 (11) links to available services, resources, and
26 reference materials concerning caregiving, diseases, and
27 best practices for use by professionals, older adults, and
28 family caregivers;

29 (12) a listing of and contact information for both
30 facility-based and non-facility-based services and care;
31 no unlicensed, uncertified, unregistered, or otherwise
32 unregulated program or service that is required by law or

1 regulation to be licensed, certified, registered, or
2 regulated shall be placed on a public web site under this
3 Section;

4 (13) a listing of State and regional agencies on aging,
5 and information describing their purposes, abilities, and
6 services;

7 (14) links to the web sites of, and contact information
8 for, the State and regional agencies on aging;

9 (15) a listing of, and links to, federal regulatory
10 agencies on aging-related programs and services;

11 (16) the rules adopted by the State and federal
12 agencies on aging; and

13 (17) the Illinois Act on the Aging and the federal
14 Older Americans Act.

15 (b) No fee or other charge may be imposed by the Department
16 as a condition of accessing the information.

17 (c) The electronic public access provided through the World
18 Wide Web shall be in addition to any other electronic or print
19 distribution of the information.

20 (d) The information shall be made available as provided in
21 this Section in the shortest practicable time after it is
22 publicly available in any other form.

23 (Source: P.A. 91-290, eff. 1-1-00.)

24 Section 10. The Older Adult Services Act is amended by
25 changing Section 25 as follows:

26 (320 ILCS 42/25)

27 Sec. 25. Older adult services restructuring. No later than
28 January 1, 2005, the Department shall commence the process of
29 restructuring the older adult services delivery system.
30 Priority shall be given to both the expansion of services and
31 the development of new services in priority service areas.
32 Subject to the availability of funding, the restructuring shall
33 include, but not be limited to, the following:

34 (1) Planning. The Department shall develop a plan to

1 restructure the State's service delivery system for older
2 adults. The plan shall include a schedule for the
3 implementation of the initiatives outlined in this Act and all
4 other initiatives identified by the participating agencies to
5 fulfill the purposes of this Act. Financing for older adult
6 services shall be based on the principle that "money follows
7 the individual". The plan shall also identify potential
8 impediments to delivery system restructuring and include any
9 known regulatory or statutory barriers.

10 (2) Comprehensive case management. The Department shall
11 implement a statewide system of holistic comprehensive case
12 management. The system shall include the identification and
13 implementation of a universal, comprehensive assessment tool
14 to be used statewide to determine the level of functional,
15 cognitive, socialization, and financial needs of older adults.
16 This tool shall be supported by an electronic intake,
17 assessment, and care planning system linked to a central
18 location. "Comprehensive case management" includes services
19 and coordination such as (i) comprehensive assessment of the
20 older adult (including the physical, functional, cognitive,
21 psycho-social, and social needs of the individual); (ii)
22 development and implementation of a service plan with the older
23 adult to mobilize the formal and family resources and services
24 identified in the assessment to meet the needs of the older
25 adult, including coordination of the resources and services
26 with any other plans that exist for various formal services,
27 such as hospital discharge plans, and with the information and
28 assistance services; (iii) coordination and monitoring of
29 formal and family service delivery, including coordination and
30 monitoring to ensure that services specified in the plan are
31 being provided; (iv) periodic reassessment and revision of the
32 status of the older adult with the older adult or, if
33 necessary, the older adult's designated representative; and
34 (v) in accordance with the wishes of the older adult, advocacy
35 on behalf of the older adult for needed services or resources.

36 (3) Coordinated point of entry. The Department shall

1 implement and publicize a statewide coordinated point of entry
2 using a uniform name, identity, logo, and toll-free number.

3 (4) Public web site. The Department of Public Health shall
4 expand the ~~develop a public~~ web site developed pursuant to
5 Section 3-304.1 of the Nursing Home Care Act to provide ~~that~~
6 ~~provides~~ links to available services, resources, and reference
7 materials concerning caregiving, diseases, and best practices
8 for use by professionals, older adults, and family caregivers.
9 The Department on Aging shall have a visible link on its web
10 site home page to the information required to be made available
11 on a public web site by the Department of Public Health under
12 Section 3-304.1 of the Nursing Home Care Act.

13 (5) Expansion of older adult services. The Department shall
14 expand older adult services that promote independence and
15 permit older adults to remain in their own homes and
16 communities.

17 (6) Consumer-directed home and community-based services.
18 The Department shall expand the range of service options
19 available to permit older adults to exercise maximum choice and
20 control over their care.

21 (7) Comprehensive delivery system. The Department shall
22 expand opportunities for older adults to receive services in
23 systems that integrate acute and chronic care.

24 (8) Enhanced transition and follow-up services. The
25 Department shall implement a program of transition from one
26 residential setting to another and follow-up services,
27 regardless of residential setting, pursuant to rules with
28 respect to (i) resident eligibility, (ii) assessment of the
29 resident's health, cognitive, social, and financial needs,
30 (iii) development of transition plans, and (iv) the level of
31 services that must be available before transitioning a resident
32 from one setting to another.

33 (9) Family caregiver support. The Department shall develop
34 strategies for public and private financing of services that
35 supplement and support family caregivers.

36 (10) Quality standards and quality improvement. The

1 Department shall establish a core set of uniform quality
2 standards for all providers that focus on outcomes and take
3 into consideration consumer choice and satisfaction, and the
4 Department shall require each provider to implement a
5 continuous quality improvement process to address consumer
6 issues. The continuous quality improvement process must
7 benchmark performance, be person-centered and data-driven, and
8 focus on consumer satisfaction.

9 (11) Workforce. The Department shall develop strategies to
10 attract and retain a qualified and stable worker pool, provide
11 living wages and benefits, and create a work environment that
12 is conducive to long-term employment and career development.
13 Resources such as grants, education, and promotion of career
14 opportunities may be used.

15 (12) Coordination of services. The Department shall
16 identify methods to better coordinate service networks to
17 maximize resources and minimize duplication of services and
18 ease of application.

19 (13) Barriers to services. The Department shall identify
20 barriers to the provision, availability, and accessibility of
21 services and shall implement a plan to address those barriers.
22 The plan shall: (i) identify barriers, including but not
23 limited to, statutory and regulatory complexity, reimbursement
24 issues, payment issues, and labor force issues; (ii) recommend
25 changes to State or federal laws or administrative rules or
26 regulations; (iii) recommend application for federal waivers
27 to improve efficiency and reduce cost and paperwork; (iv)
28 develop innovative service delivery models; and (v) recommend
29 application for federal or private service grants.

30 (14) Reimbursement and funding. The Department shall
31 investigate and evaluate costs and payments by defining costs
32 to implement a uniform, audited provider cost reporting system
33 to be considered by all Departments in establishing payments.
34 To the extent possible, multiple cost reporting mandates shall
35 not be imposed.

36 (15) Medicaid nursing home cost containment and Medicare

1 utilization. The Department of Public Aid, in collaboration
2 with the Department on Aging and the Department of Public
3 Health and in consultation with the Advisory Committee, shall
4 propose a plan to contain Medicaid nursing home costs and
5 maximize Medicare utilization. The plan must not impair the
6 ability of an older adult to choose among available services.
7 The plan shall include, but not be limited to, (i) techniques
8 to maximize the use of the most cost-effective services without
9 sacrificing quality and (ii) methods to identify and serve
10 older adults in need of minimal services to remain independent,
11 but who are likely to develop a need for more extensive
12 services in the absence of those minimal services.

13 (16) Bed reduction. The Department of Public Health shall
14 implement a nursing home conversion program to reduce the
15 number of Medicaid-certified nursing home beds in areas with
16 excess beds. The Department of Public Aid shall investigate
17 changes to the Medicaid nursing facility reimbursement system
18 in order to reduce beds. Such changes may include, but are not
19 limited to, incentive payments that will enable facilities to
20 adjust to the restructuring and expansion of services required
21 by the Older Adult Services Act, including adjustments for the
22 voluntary closure or layaway of nursing home beds certified
23 under Title XIX of the federal Social Security Act. Any savings
24 shall be reallocated to fund home-based or community-based
25 older adult services pursuant to Section 20.

26 (17) Financing. The Department shall investigate and
27 evaluate financing options for older adult services and shall
28 make recommendations in the report required by Section 15
29 concerning the feasibility of these financing arrangements.
30 These arrangements shall include, but are not limited to:

31 (A) private long-term care insurance coverage for
32 older adult services;

33 (B) enhancement of federal long-term care financing
34 initiatives;

35 (C) employer benefit programs such as medical savings
36 accounts for long-term care;

- 1 (D) individual and family cost-sharing options;
2 (E) strategies to reduce reliance on government
3 programs;
4 (F) fraudulent asset divestiture and financial
5 planning prevention; and
6 (G) methods to supplement and support family and
7 community caregiving.

8 (18) Older Adult Services Demonstration Grants. The
9 Department shall implement a program of demonstration grants
10 that will assist in the restructuring of the older adult
11 services delivery system, and shall provide funding for
12 innovative service delivery models and system change and
13 integration initiatives pursuant to subsection (g) of Section
14 20.

15 (19) Bed need methodology update. For the purposes of
16 determining areas with excess beds, the Departments shall
17 provide information and assistance to the Health Facilities
18 Planning Board to update the Bed Need Methodology for Long-Term
19 Care to update the assumptions used to establish the
20 methodology to make them consistent with modern older adult
21 services.

22 (Source: P.A. 93-1031, eff. 8-27-04.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.